



ສາທາລະນະລັດ ປະຊາທິປະໄຕ ປະຊາຊົນລາວ  
Lao People's Democratic Republic



ອົງການສະຫະປະຊາຊາດເພື່ອການພັດທະນາ  
United Nations Development Programme

**Government of Lao People's Democratic Republic**

**United Nations Development Programme**

**Project ID: 00070144**  
**Project Title: Customary Law Project**

**ANNUAL PROJECT REPORT**  
**Reporting period: January – December 2009**

**January 2010**

## I. PROJECT INFORMATION AND RESOURCES

<b>Project number and title:</b>	00070144: Customary Law Project
<b>Implementing Partner:</b>	Ministry of Justice Law Research and International Cooperation Institute
<b>Responsible Parties (if applicable):</b>	Law Research and International Cooperation Institute
<b>Donors:</b>	United Nations Development Programme (UNDP)

Project Starting date		Project completion date	
Originally planned	Actual	Originally planned	Current estimate
March 2009	August 2009	December 2010	December 2010

<b>Period covered by this report:</b>	April – December 2009
<b>Date of annual review:</b> <i>[Indicate if planned or actual]</i>	NA

Total Budget	Original Budget (US\$)	Latest Signed Revision (US\$)
	236,000	-
Resources	Donor	Amount (US\$)
	DGTTF	186,000
	UNDP	50,000

<b>Period covered by this report:</b>	1 <sup>st</sup> August – 31 <sup>th</sup> December 2009	
Summary of expenditure for the period covered by this report	Amount (US\$)	
	Budget 2009	95,000
	Total Expenditure	50,681
	Balance	44,319

## II. PURPOSE

The ultimate goal of the project is to support the formulation of national strategy guidelines on the reconciliation of customary laws with state laws and to ensure that customary rules and practices are harmoniously integrated into the Lao PDR overall legal system. As part of a general objective of developing legal empowerment for the poorest and most vulnerable groups, it seems of great importance to develop knowledge of customary laws and practices throughout the country in order to efficiently combine this source of law with the broader official normative framework. This should ultimately lead to a better understanding of customary legal practices as well as an improved access to justice and legal information for villagers living in out-of-reach places. It should also promote gender equality as well as an enhanced and equitable application of international Human Rights standards based on the international treaties the Lao PDR is party to.

**Project outputs and deliverables:** The aforementioned overall objective of the project will be pursued through the delivery of the following outputs and other deliverables (refer to the subsequent Results and Resources Framework for more details and related activities):

- A field survey on Lao customary laws and practices is carried out in order to collect information and to document on the substance of informal legal and conflict resolution systems.
- The knowledge on customary law/justices practices of government officials, judges, prosecutors and all legal personnel and practitioners is strengthened.
- A relevant database on customary laws and practices in Lao PDR is created and will be the source of information on Lao customary laws/ practices, to be used for formulating National Strategy/Strategy Guidelines on customary justice practices.

A draft National Strategy based on the survey previously carried out and resulting database is formulated in order to ensure that customary practices, including informal systems for the settlement of disputes, are harmoniously integrated into the global Lao legal system or can be combined with it in the respect of cultural traditions of ethnic groups but also in line with the general principles of a Rule of Law state

### III. PROJECT PERFORMANCE AND RESULTS

#### 1. Contribution to the strategic goals

<p><b>Outcome 1 :</b> By 2011, strengthened capacities of public and private institutions to fulfil their duties and greater people's participation in governance and advocacy for the promotion of human rights in conformity with the Millennium Declaration.</p>						
<p><b>Progress towards achieving outcome 1:</b> During the period covered in 2009, the Customary Justice Practices Project has been in the initiation phase of its implementation, all activities undertaken aiming at preparing the field survey with the ultimate goal of achieving in the best possible way the related outputs, annual targets and project outcomes. All prerequisite logistical actions were accomplished in close collaboration between UNDP and the implementing partner: a coordination and monitoring mechanism was set up by the MoJ in the form of a Survey Committee gathering representatives of all concerned institutions and a methodology for the survey was formulated and presented to the Minister of Justice.</p>						
Outputs and indicators	Key activities completed during reporting period	Expenditure (project side)	Expenditures (UNDP side)	Progress towards achieving outputs and targets achieved against indicators	Reasons if progress below target and response strategies [if applicable, explore underlying factors and reasons for gaps in output and target]	
<p><b>Output 1:</b> survey of informal legal rules and practices of representative ethnic groups (including village mediation units), paying specific attention to gender parity and the situation of most</p>	<p>1.1.1: form consultant team of national/international legal expert and anthropologist</p> <p>1.1.2: consultation with main relevant agencies at central level.</p>	<p>(for detail of disbursement please see the attached Annex)</p>	<p>(for detail of disbursement please see the attached Annex)</p>	<p>Recruitment process had been completed and consultant team established</p> <p>The one consultation completed on 11 November 2009</p>		

vulnerable people	<p>1.1.3: setting up of a survey committee (representatives of MoJ, LFNC, LWU, PSC, OSPP, MPS, Faculties of Law and Social Science)</p> <p>1.1.4: consultation at central level with all stakeholders to determine areas of investigations and expected needs from the survey</p> <p>1.1.5 : Desk study report and methodology for the field survey is formulated</p> <p>1.1.6: Furniture and IT equipment purchase for the office of the project</p> <p>1.1.7 : Staff salaries</p>		<p>Discussions took place with all concerned institutions and the principle of the setting up of the survey committee was technically agreed upon</p> <p>Informal technical discussions took place between stakeholders</p> <p>Technical meetings were held with all stakeholders and the methodology was discussed on a regular basis with the consultant team. The desk study report has been completed and a tentative methodology has been submitted by the team leader and forwarded to expert peer reviewer</p> <p>Complete</p> <p>Complete</p>	<p>The official setting up of the Committee is awaiting official approval by the Minister of Justice</p> <p>Await the approval and agreement on the establishment of the Survey Committee by the Minister of Justice</p> <p>The methodology still needs to be finally approved by the Minister and the Survey Committee</p>
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**ANNEX - Finance Report of Customary Law Project in 2009**

	<b>Description</b>	<b>Direct Payment UNDP</b>	<b>POA (project)</b>	<b>Advance in Q4</b>	<b>TOTAL (not including POA)</b>
1	International Consultation fee	10,000			
2	International Travel	4,510			
3	Short team Peer reviewer consultant	1,410			
4	Project Staff salary	2,768			
5	International DSA	2,349			
6	Internal Expenses for International travel	304			
7	IT Equipment	4,413			
8	Operational expenses	4,340			
9	Encumbrance	1,198			
10	Gain & Loss	37			
	<b>Total</b>	<b>31,329</b>			
1	furniture and IT equipment purchase for the office of customary law project		2,563		
2	Salary for project staff		4,153		
3	withdraw for petty cash		933		
	<b>Total</b>		<b>7,650</b>	<b>19,352</b>	<b>50,681</b>



## **2. Update on implementation of the Vientiane Declaration and its Action Plan**

*[Brief update on any achievement and/or problem related to the implementation of the Vientiane Declaration. It should also include issues related to the introduction of HACT and actions planned for the following period.]*

The project has been implementing the elements in Vientiane Declaration as following:

- **Ownership:** The project applies effective leadership over the activities in the periodic work plan. The project takes lead in coordinating with other government agencies to implement the project's activities effectively.
- **Harmonization and Simplification:** The project has followed the UNDP guideline in the implementation process such as format of reporting, procurement policy and plan, recruitment process, procedure and financial management, etc.
- **Managing for the Results:** In the stage of activity planning process, the project always takes into consideration to aim for results based approach and link with the national development plan and goals
- **Mutual Accountability:** The implementation of the project activities is through both the government and UNDP rules and regulations.

## **3. Update on partnerships** *[Brief update on any achievement and/or problem in developing partnerships and inter-agency collaboration. It should also include strategies for south-south cooperation]*

The project ensures a close collaboration between the MoJ and UNDP based on mutual understanding and cooperation; this also includes pursuing strengthened partnership and coordination with other line ministries and institutions involved in the process, specifically members of the Survey Committee.

## **4. Update on gender mainstreaming** *[Brief update on any achievement and/or problem in terms of mainstreaming gender within the project activities. Strategy for the following period]*

This project always ensures that gender balance is taken into account during the implementation of the project activities. For example, the two project support staff are females while the two project managers are males. Gender is also mainstreamed in the formulation of the methodology for the survey, which will document specifically on the situation of women in ethnic groups regarding the application of customary rules and practices. Gender balance will also be taken into consideration in the composition of research



team wherever possible

**5. Update on audit recommendations** [*Brief update on progress achieved and problems encountered. Actions planned for the following period*]

The concrete implementation of the customary law project has just started in August 2009 and therefore has not been audited

**6. List main challenges and issues (if any) faced during reporting period** [*as well as response strategies adopted*]

**The main challenges and issues that project faced during reporting period:**

**Overall implementation: -**

1. The initially planned recruitment of a Justice Survey specialist to join the consultant team could not be completed on time, due to unsuccessful recruitment process and time constraints. The issue could be overcome thanks to the anthropologist team leader strong involvement and the recourse to a legal specialist peer reviewer.
2. The current lack of official approval of the Survey Committee and of the survey methodology by the Minister of justice might delay the beginning of its implementation and impact the planned timeframe. The project is constantly keeping the Minister informed and updated in order to get a fast approval from him.

**7. Rating on progress towards results**

Output:	Progress
Output 1:	<input checked="" type="checkbox"/> Positive change
	<input type="checkbox"/> Negative change
	<input type="checkbox"/> Unchanged

**IV. ADDITIONAL ACTIVITIES WHICH CONTRIBUTE TO THE OUTCOME AND/OR OUTPUTS**

**Provide information about any activities undertaken by the project that were NOT envisaged in the work plan but which contributed to the outcome and/or outputs?**

The key areas will be focused on and implemented in the next quarter are:

1. Ensure the survey of customary laws/practices is carried out according to the planned timeframe.

Ensure the data is efficiently collected on the ground and properly compiled and analysed . so that the future database on customary law is relevant and contains all information needed for the formulation of the national strategy

#### V. FUTURE WORK PLAN

1. What are the priority actions planned for the following year to overcome constraints, build on achievements and partnership, and use of the lessons learned during the previous quarter?

The following year will see the implementation of the field work during quarter 1 and 2, ending with the creation of a database. This phase will require a close collaboration with the Lao Front for national Construction. Quarters 3 and 4 will be dedicated to the formulation of a national strategy and will imply a good partnership with all legal stakeholders and inputs from national and international experts in legal pluralism.

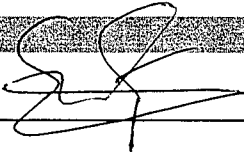
2. List major adjustments in the strategies, targets or key outcomes and outputs planned.

None

#### VI. ANNEXES

1. Annex 1: Combined Delivery Report
2. Annex 2: Draft Annual Work Plan for following year
3. Annex 3: Monitoring Schedule (including scheduled mandatory evaluations)
4. Annex 4: Project Risk Log
5. Annex 5: Project Issues Log
6. Annex 6: Lessons learned log
7. Annex 7: Updated Audit follow up action plan

PREPARED BY

Prepared by: 

Date: 18 Jan 2010